

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FRANCISCO CANIZALES-RAMIREZ,

Defendant

16-CR-658 (CBA)

DECLARATION OF
ERIC M. CREIZMAN

I, ERIC M. CREIZMAN, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly admitted to practice law in the State of New York and before this Court. I represented Francisco Canizales-Ramirez in the captioned action as appointed counsel under the Criminal Justice Act.

2. Before Mr. Canizales-Ramirez pleaded guilty in this case, both my co-counsel Melissa Madrigal, and I, explained the plea agreement to Mr. Canizales-Ramirez in substantial detail to ensure he understood each of its provisions. We both explained to Mr. Canizales-Ramirez that pursuant to the plea agreement, he would be waiving his right to appeal or otherwise challenge the conviction or sentence, if the Court imposed a sentence of 97 months or below.

3. I continued to communicate with Mr. Canizales-Ramirez after he was sentenced. In an email to me, he expressed disappointment with the sentence and asked about the possibility of appealing it. I responded by email that he had waived his right to appeal both his conviction and sentence on the grounds that the sentence imposed was below 97 months.

4. At no time did Mr. Canizales-Ramirez instruct me to file a notice of appeal. Had he so instructed, notwithstanding that he had waived his right to appeal, I would have filed a notice of appeal.

I hereby declare that the foregoing is true and accurate to the best of my knowledge and belief.


Eric M. Creizman

Dated: New York, New York
June 21, 2019